

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25473 of 2023

Arising Out of PS. Case No.-404 Year-2022 Thana- KISHANGANJ District- Kishanganj

Master Maksud Alam @ Maquesood Alam S/O Late Nurul Matin Resident of
Village- Altabari, P.S.- Bahadurganj, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-08-2023 Heard learned counsel appearing for the petitioner
and learned APP for the State.

2. Petitioner seeks bail, who is in custody since
12.01.2023, in connection with Kishanganj P.S. Case No. 404 of
2022, F.I.R. dated 29.09.2022 registered for the offences
punishable under Sections 302, 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along
with other co-accused persons have committed the murder of
the deceased.

4. Learned counsel for the petitioner submits that the
petitioner carry one more case other than the present one and
they has been falsely implicated in the present case. He further
submits that the informant is not an eye witness of the alleged
occurrence and even no one has seen the present occurrence and
except suspicion, no other cogent material has come during
investigation against the petitioner to suggest the involvement of



the petitioner in the present occurrence. He further submits that it has come during investigation in paragraph nos. 111 and 112 of the case diary that the independent witnesses who are brother and brother-in-law of the informant stated that deceased has informed them that Minhaz and this petitioner has assaulted the victim and the informant has not stated in F.I.R. with respect to their brother-in-law and their brother. He further submits that the statement of the driver of Ambulance was also recorded in paragraph-65 of the supplementary case diary in which he has informed that no family members were accompanied with the deceased from Kishanganj to Silliguri and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 12.01.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that sufficient material has come during investigation to suggest the involvement of the petitioner in the present case and the trial is going on.

6. Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 404 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioner tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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